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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,249	12/21/2001	Kenichi Fujii	1232-4804	6640
27123	7590	08/09/2006	EXAMINER FERGUSON, KEITH	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			ART UNIT 2617	PAPER NUMBER

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,249

Applicant(s)

FUJII ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,6,7,9,11-15,17,18 and 20-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,8,10,16,19 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

2. Applicant's arguments with respect to claims

1,2,5,8,10,16,19 and 25-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1,2,5,8,10,16,19 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al. in view of Marko et al., newly recited reference.

Regarding claim 1, Takeda et al. discloses a wireless communication system (fig. 11) comprising a public base station (fig. 11 number 902) and a wireless communication apparatus (mobile station) (fig. 11 number 901), and the public base station controls transmission timing (synchronization timing) for transmitting a control signal (synchronization) from the wireless public base station to the wireless communication apparatus (col.

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1 lines 35-67, col. 3 lines 20-40 and col. 7 lines 25-45). Takeda et al. differs from claim 1 of the present invention in that it does not disclose resetting transmission timing in case where a response signal in response to the control signal from the base station and addressed to the wireless communication apparatus is not received from the wireless communication apparatus. Marko et al. teaches a CT base station (402) lost synchronization with a portable telephone (406) (col. 6 lines 53-68) and when the CT base station do not receive a re-establish (RE-EST) code from the portable it resets a handshake timer to force a re-establish (RE-EST) code to be transmitted (col. 6 lines 53-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takeda et al. wireless communication system with resetting transmission timing in case where a response signal in response to the control signal from the base station and addressed to the wireless communication apparatus is not received from the wireless communication apparatus in order for the wireless communication system to know when to reset its transmission timer to synchronize the mobile station when the mobile station is out of sync so that the mobile station knows when to power up, and power down which conserves power within the mobile station when communicating with the public base station, as taught by Marko et al..

Regarding claims 2 and 26, Takeda et al. discloses informing the wireless communication apparatus of an incoming call (reception failures) is failed (col. 7 lines 25-45 and col. 10 lines 20-55).

Regarding claims 5 and 27, Takeda et al. discloses the base station controls the transmission timing in a case where an apparatus to be checked is designated by an incoming call (col. 10 lines 20-64) and the wireless communication between the wireless communication control apparatus and the addressed wireless communication apparatus related to the apparatus to be checked is not received (i.e. out of sync) (synchronization lost) (col. 10 lines 20-64).

Regarding claims 8, 16 and 19, Takeda et al. discloses a public base station (fig. 11 number 902) for controlling wireless communication with a wireless communication apparatus (mobile

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station) (fig. 11 number 901), comprising: informing means (i.e. transmission from the base station to the mobile) (col. 3 lines 20-43); and control means for controlling transmission timing for transmitting a control signal to the wireless communication apparatus when the communication apparatus is out of order (synchronization failure) (col. 3 lines 20-43 and col. 10 lines 20-64). Takeda et al. differs from claim 8 of the present invention in that it does not disclose resetting transmission timing in case where a response signal in response to the control signal from the base station and addressed to the wireless communication apparatus is not received from the wireless communication apparatus. Marko et al. teaches a CT base station (402) lost synchronization with a portable telephone (406) (col. 6 lines 53-68) and when the CT base station do not receive a re-establish (RE-EST) code from the portable it resets a handshake timer to force a re-establish (RE-EST) code to be transmitted (col. 6 lines 53-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takeda et al. wireless communication system with resetting transmission timing in case where a response signal in response to the control signal from the base station and addressed to the wireless communication apparatus is not received from the wireless communication apparatus in order for the base station to know when to reset its transmission timer to synchronize the mobile station when the mobile station is out of sync so that the mobile station knows when to power up, and power down which conserves power within the mobile station when communicating with the public base station, as taught by Marko et al..

Regarding claim 10, Takeda et al. discloses a computer program for a public base station (fig. 11 number 902) comprising program steps of informing the wireless communication apparatus an incoming call in a case where the incoming call is received (col. 3 lines 20-43 and col. 10 lines 20-64); and controlling transmission timing for transmitting a control signal to the wireless communication apparatus when the wireless communication apparatus is out of order (synchronization failure) (col. 3 lines 20-43 and col. 10 lines 20-64). Takeda et al. differs from claim 10 of the present invention in that it does not disclose resetting transmission timing in case where a response signal in response to the control signal from the base station and addressed to the wireless communication apparatus is not received from the wireless communication apparatus. Marko et

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al. teaches a CT base station (402) lost synchronization with a portable telephone (406) (col. 6 lines 53-68) and when the CT base station do not receive a re-establish (RE-EST) code from the portable it resets a handshake timer to force a re-establish (RE-EST) code to be transmitted (col. 6 lines 53-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takeda et al. wireless communication system with resetting transmission timing in case where a response signal in response to the control signal from the base station and addressed to the wireless communication apparatus is not received from the wireless communication apparatus in order for the base station to know when to reset its transmission timer to synchronize the mobile station when the mobile station is out of sync so that the mobile station knows when to power up, and power down which conserves power within the mobile station when communicating with the public base station, as taught by Marko et al..

Regarding claim 25, Takeda et al. discloses a method (fig. 2) of transmitting a control signal from a base station (col. 7 lines 25-31) comprising: transmitting a control signal addressed to the wireless communication apparatus (col. 7 lines 25-31). Takeda et al. differs from claim 25 of the present invention in that it does not disclose resetting transmission timing in case where a response signal in response to the control signal from the base station and addressed to the wireless communication apparatus is not received from the wireless communication apparatus. Marko et al. teaches a CT base station (402) lost synchronization with a portable telephone (406) (col. 6 lines 53-68) and when the CT base station do not receive a re-establish (RE-EST) code from the portable it resets a handshake timer to force a re-establish (RE-EST) code to be transmitted (col. 6 lines 53-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Takeda et al. wireless communication system with resetting transmission timing in case where a response signal in response to the control signal from the base station and addressed to the wireless communication apparatus is not received from the wireless communication apparatus in order for the base station to know when to reset its transmission timer to synchronize the mobile station when the mobile station is out of sync so that the mobile station knows when to power up, and power down which conserves power within the mobile station when communicating with the public base station, as taught by Marko et al..

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2617
July 26, 2006

KEITH FERGUSON
PRIMARY EXAMINER

